



Paper No.

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 7-6-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

## THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☐ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
  - ☒ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: claims 1-18 (cancel) 19-34 (new) beside each claim

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officetlyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

*Victoria S. Brown*  
Legal Instruments Examiner (LIE)

571-272-1537  
Telephone No.

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of:

Jerome R. Mahoney

Serial No.: 10/696,701

Filing Date: October 29, 2003

For: PRODUCT LOCATION METHOD  
UTILIZING PRODUCT BAR CODE  
AND PRODUCT-SITUATED, AISLE-  
IDENTIFYING BAR CODE



: Examiner:

:

: Le, Uyen-Chau N.

:

: Group Art Unit No. 2876

:

: Attorney Docket No.

: IVC-106A

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CERTIFICATION OF MAILING BY EXPRESS MAIL

The undersigned hereby certifies that this document was delivered to the United States Post Office in Flemington, New Jersey 08822 between 7:30 a.m. and 4:30 p.m. **Wednesday, August 11, 2004** as EXPRESS MAIL, RETURN RECEIPT REQUESTED. The undersigned further declares that this Certification is made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under applicable sections of United States Patent and Trademark Office and may jeopardize the validity of the application or issuing patent related thereto.

A handwritten signature in black ink, appearing to read "Kenneth P. Glynn".

Kenneth P. Glynn

KPG:aw  
EM RRR ER 675134237 US  
Docket No. IVC-106A  
cc: Jerome R. Mahoney



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of:	: Examiner:
Jerome R. Mahoney	: Le, Uyen-Chau N.
Serial No.: 10/696,701	: Group Art Unit No. 2876
Filing Date: October 29, 2003	: Attorney Docket No.
For: PRODUCT LOCATION METHOD	: IVC-106A
UTILIZING PRODUCT BAR CODE	:
AND PRODUCT-SITUATED, AISLE-	:
IDENTIFYING BAR CODE	:

Honorable Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESUBMITTED**

**AMENDMENT AND RESPONSE WITH PETITION FOR  
TIME EXTENSION AND STATUTORY FEE**

This is filed in response to the Office Action dated March 29, 2004 in the above case. The status of the claims is as follows:

<u>CLAIMS</u>	<u>STATUS-----</u>
1 through 18	Original claims, cancelled by this Amendment.
19 through 34	Newly submitted by this Amendment.

Please make the following amendments:

**IN THE SPECIFICATION:**